

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 10, 2002

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Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

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Requests for Additions, Withdrawals, and Deferrals

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| PA1 | W-VSA Scholarships/E. Brown, J. Espinosa & C. Patino, Commitment to Hospitality Industry. |
| PA2 | Proclamation/Honoring "Miami Beach Water Polo Club Day." (Smith) |
| PA3 | Cert. of Apprec./Gerri Helfman, NBC-6 News Anchor, for Assistance in CIP Program Video. |
| PA4 | Cert. of Apprec./Participants of the 10 & Under Traveling Baseball Team, for Their Success. |
| PA5 | Cert. of Apprec./VCA Board, for Their Initiation of the Signage Survey. |
| PA6 | Presentation/Mayor & Commission, From the Residential Committee & VCA. (Dermer) |
| | |
| C2A | Issue P.O., Purchase Vehicles From Several Vendors, \$369,935.80. |
| C2B | Issue P.O., Purchase (1) 2002 Sterling - Cement Mixer, \$76,713. |
| | |
| C4A | Ref: Land Use & Development Comm. - Guidelines for Multi-Family Housing Rehab. Program. |
| C4B | Ref: Joint Land Use & Devlp't & Neighborhoods Comm. - HPB Reso. re: Hedge Heights. (Bower) |
| C4C | Ref: Community Affairs Committee - Proposed Amendments to the Purchasing Ordinance. |
| C4D | Ref: Neighborhoods Committee - Pine Tree Park Fields Development Proposals. |
| C4E | Ref: Finance & Citywide Projects Committee - State Statute re: Mentoring. (Bower) |

C4F Ref: Neighborhoods Committee - Cellular Antennas on Tower at Fire Station No. 2.
C4G Ref: Finance & Citywide Projects Committee - Disc. Vending Machines Concession Agreement. **A**

C6A Report: Community Affairs Committee Meeting of June 21, 2002.
C6B Report: Finance & Citywide Projects Committee Meeting of June 28, 2002.
C6C Report: G.O. Bond Oversight Committee Meeting of July 1, 2002.

C7A Accept Additional Grant Funds, Renovation of North Shore Open Space Park.
C7B Award Contract, Construction of North Shore Open Space Park Project.
C7C Execute 2nd Amendment to HOME Program Agmt, Rehabilitate 1551 Pennsylvania Ave.
C7D Execute 3rd Amendment to HOME Program Agmt, Rehabilitate 7133 Bay Drive.
C7E Adopt 2nd Amendment, Police Special Revenue Account for FY 2001/02.
C7F Execute Agmt w/ Gordian Group, Establish Job Order Contracting (JOC) System.
C7G Set Public Hearing, Consider Public Comment re: 1040 Lincoln Road Vacation of 60 Sq. Feet.
C7H Waive Bidding Requirements, Purchase Laerdal Simman Full Body Patient Simulator. **5/7** **/SM**
C7I Waive Bidding Requirements, Purchase Parking Meter Smart Cards. **5/7**
C7J Award Contract to Larry's Chevron, Purchase Fuel & Other Services for City Vehicles. **/SM**
C7K Waive Bidding Requirements, Purchase Airtime for Wireless Mobile Computers. **5/7**
C7L Issue RFP, Planning/Design/Bidding & Construction Services for Wayfinding Signage System.

R5A **4:00 p.m. 1st Rdg, Open/Cont.** Amend Correct Height/Number of Stories in C-PS Districts. **5/7**
R5B **4:01 p.m. 1st Rdg,** Amendments to the Development Regulations for Single-Family Homes. **5/7**
R5C **5:00 p.m. 2nd Rdg,** Procedures for Demolition of Single-Family Homes Without Permits. **5/7**
R5D **1st Rdg,** Fee Disclosures & Reporting Requirements for Lobbyists. (Bower)
R5E **1st Rdg,** Opt Out of the Miami-Dade County's "Cone of Silence Ordinance."

R6A Verbal Report: Neighborhoods Committee Meeting of July 3, 2002.
R6B Verbal Report: Land Use & Development Committee of July 8, 2002.

R7A **Joint,** Approve (2) Settlement Agreements Concerning the Miami Beach Marina Sewage Spill.
R7B **10:45 a.m.** Approve 2nd Amended Lease Agmt w/ Miami Beach Watersports Center. **5/7**
R7C **11:00 a.m.** Appropriate CMAQ Funds, FY 2002/03 Electrowave Operating Budget.
R7D **4:45 p.m.** Accept Recomm./Waive Bidding, Water & Wastewater Pump Station Project. **5/7**
R7E **2:00 p.m.** Adopt BODR, Flamingo Lummus Neighborhood ROW Improvement Project.
R7F Approve Rate Schedule for TOPA, Accommodate Not-for-Profit Performing Arts Organizations.
R7G **3:30 p.m.** Set Public Hearing, Amend Residential Performance Standard Area Requirements.

R9A **3:00 p.m.** Board And Committee Appointments.
R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
R9C Disc. Reso re: Proposed Construction & Funding of Miami Beach Sr. High School. (Bower) **/SM**
R9D Disc. Secure MDC as Host Location for 2004 Democratic or Republican National Convention.
R9E **5:15 p.m.** Disc./Referral, Locally Preferred Alternative for the Bay Link Study. **A**

CITY ATTORNEY REPORTS

R10A Executive Session: PNM Corporation Vs. CMB. **(Cancelled)**

REPORTS AND INFORMATIONAL ITEMS

A City Attorney's Status Report.
B Parking Status Report.
C Status Report on Rehabilitation Project of Fire Station No. 2.
D Status Report on G.O. Bond Funded Project for Rehabilitation of Fire Station No. 4.
E Report on Existing Contracts for Renewal or Extensions Exceeding \$25,000.

REDEVELOPMENT AGENCY ITEMS

- 2A Report of Itemized Revenues/Expenditures of RDA for May 2002.
- 3A **Joint**, Approve (2) Settlement Agreements Concerning the Miami Beach Marina Sewage Spill.
- 3B Appropriate S. Pointe Tax Increment Funds, Water Main Relocation Within SSDI-North Parcel.
- 3C Adopt Recomm./Appropriate Funds, Expansion & Renovation of the Colony Theater.

PA - Presentations and Awards

- PA1 VSA Scholarships To Be Awarded To Elisabeth Brown, Jonathan Espinosa And Carolina Patino For Their Academic Achievement And Commitment To The Hospitality Industry.

ACTION: Item withdrawn.

- PA2 Proclamation To Be Presented Honoring "Miami Beach Water Polo Club Day."
(Requested by Commissioner Smith)
(Deferred From May 29, 2002)

ACTION: Item deferred.

- PA3 Certificate Of Appreciation To Be Presented To Gerri Helfman, NBC-6/WTVJ News Anchor Woman, For Her Assistance In Narrating The Capital Improvement Program Video.
(Capital Improvement Projects)
(Deferred From June 19, 2002)

ACTION: Item deferred.

- PA4 Certificates Of Appreciation To Be Presented To The Players, Coaches, Key Parents And Staff Of Miami Beach Recreation Division's 10 And Under Traveling Baseball Team, For Their Successful Participation In The Continental Amateur Baseball Association Of Florida State.
(Parks And Recreation)

ACTION: Certificates presented.

Kevin Smith, Parks and Recreation Director, introduced the item and gave some background about the team.

Mr. Luis Salom spoke. He recognized the work of Kevin Smith, Sugar Firtel and the rest of the staff. He stated that he needs \$20,000 for the program and needs the help of the City Commission to help raise the money.

Mr. Joe Fontana donated the first \$1,000.00 to the youth baseball team.

Commissioner Garcia challenged Commissioner Smith to sponsor and coach a team and Commissioner Smith accepted the challenge.

NEW ITEM:**9:53:44 a.m.**

Mayor Dermer introduced State Representative Sally Heyman and commended her for her work in Tallahassee regarding the windstorm insurance issue.

State Representative Sally Heyman spoke. She stated that the Mayor Dermer and the members of the City Commission were supporting her in her efforts. She stated it was a pleasure working with the City of Miami Beach and representing the City on this issue in Tallahassee.

- PA5 Certificate Of Appreciation To Be Presented To The Visitor And Convention Authority (VCA) Board, For Their Initiation Of The Signage Survey.
(City Manager's Office)

ACTION: Certificate presented.

Jorge Gonzalez, City Manager, recognized the VCA for their effort in pursuing the idea of a citywide signage system. The VCA brought a working plan to the Administration. The Consent Agenda has an item issuing an RFP for the Planning/Design/Bidding and Construction Services for a Wayfinder signage system (C7L).

PA6 A Presentation To The Mayor And Commission By The Residential Committee Of The Mayor's Blue Ribbon Task Force On Tourism And The Visitor And Convention Authority (VCA).
(Requested By Mayor David Dermer)

ACTION: Mayor Dermer recognized and thanked the Committee members for their hard work. Oral presentation made Elsie Howard and Peter Rickman.

Judy Penny and Remmy Frances gave a PowerPoint presentation and stated that the theme of the Miami Beach branding campaign is "MB – It's my Miami Beach, It's yours, It's ours."

Orlando Velasquez and Steve Hass talked about customer service and employee attitude. Mr. Hass stated that a video is being made dealing with customer service and attitude. The video will be launched in October.

The PowerPoint presentation showed banners hanging from buildings around Miami Beach.

Vice-Mayor Steinberg volunteered his office building to hang a banner promoting the campaign.

Commissioner Garcia stated that a national company, LNR Property Corporation, is moving to this community.

Commissioner Bower requested that the schools be included in the campaign. The schools unite the community.

Commissioner Smith stated that Lincoln Road should be included. He stated that we should realize that Lincoln Road is a beautiful resource and a premier street in the world as well as other areas in Miami Beach.

Commissioner Gross stated that in order to place the banners on buildings around Miami Beach that an ordinance change will be necessary. He suggested that Administration looks into an ordinance change so that the large banner will be permitted on the buildings.

Jorge Gonzalez, City Manager, requested a referral to the Land Use and Development Committee.

Motion made by Commissioner Gross to refer the placement of banners on buildings issue to the Land Use and Development Committee; seconded by Commissioner Bower; Voice Vote: 7-0. Jorge Gomez to place on Committee agenda.

NEW ITEM:

9:35:28 am

Mayor Dermer stated that the new Flamingo Park Swimming Pool was dedicated on Tuesday, July 9. He commended the City Commission, Jorge Gonzalez, Tim Hemstreet and John DePazos.

City Clerk's Note:

Addendum Materials: C4G and R9E

Supplemental Materials: C7H, C7J, and R9C.

ADDENDUM:

Motion made by Commissioner Bower to add items C4G as an emergency item by a 5/7 vote; seconded by Vice-Mayor Steinberg Voice vote: 7-0.

ADDENDUM:

Motion made by Commissioner Bower to add items R9E as an emergency item by a 5/7 vote; seconded by Commissioner Smith; Voice vote: 7-0. See item for Commission action.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Steinberg; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue Purchase Orders Totaling \$369,935.80, Pursuant To State Of Florida Contract No. 01-09-0905, To The Following Vendors: (1) Garber Chevrolet, For The Purchase Of Two (2) Chevrolet Impalas In Amount Of \$36,790.00; (2) World Ford, For The Purchase Of Four (4) Ford E-250 Econoline Cargo Vans In The Amount Of \$77,270.00; (3) Duval Ford, For The Purchase Of One (1) 2002 Ford F-450 Cab & Chassis With Wrecker Body, Two (2) 2002 Ford Crown Victorias, Three (3) 2002 Ford F-250 4x2 Crew Cab Pick Up Trucks, One (1) 2002 Ford F-250 4x4 Pick Up Truck With EZ Dumper, One (1) 2002 Ford F-650 Cab & Chassis With Stake Body Truck, And One (1) 2002 Ford F-350 4x2 Pick Up Truck With Utility Body In The Amount Of \$255,875.80.

(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

C2B Request For Approval To Issue A Purchase Order To Atlantic Truck In The Amount Of \$76,713, Pursuant To State Of Florida Contract No. 070-700-02-1, For The Purchase Of One (1) 2002 Sterling M7500 Cab & Chassis With 5 Cubic Yard Cement Mixer.

(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak and Fred Beckmann to handle.

C4 - Commission Committee Assignments

C4A Referral To The Land Use And Development Committee - Guidelines For The Multi-Family Housing Rehabilitation Program.

(Neighborhood Services)

ACTION: Item referred. Jorge Gomez to place on the agenda. Vivian Guzman to handle.

C4B Referral To The Joint Land Use & Development And Neighborhoods Committee - A Resolution From The Historic Preservation Board Regarding Hedge Heights Within The City's Historic Districts.

(Requested By Commissioner Matti Herrera Bower)

ACTION: Item referred. Jorge Gomez and Vivian Guzman to place on the Committee agenda. Jorge Gomez to handle.

- C4C Referral To The Community Affairs Committee - Proposed Amendments To The Purchasing Ordinance.

(Procurement)

ACTION: Item referred. Mayra Diaz Buttacavoli to place on Committee agenda. Gus Lopez to handle.

- C4D Referral To The Neighborhoods Committee - Pine Tree Park Fields Development Proposals.
(City Manager's Office)

ACTION: Item referred. Vivian Guzman to place on Committee agenda. Robert Middaugh to handle.

- C4E Referral To The Finance And Citywide Projects Committee - State Statute Regarding Mentoring.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Item referred. Patricia Walker to place on Committee agenda. Mayra Diaz Buttacavoli to handle.

- C4F Referral To The Neighborhoods Committee - Cellular Antennas On Tower At Fire Station No. 2.
(City Manager's Office)

ACTION: Item referred. Vivian Guzman to place on Committee agenda. Ramiro Inguanzo to handle.

City Clerks Note:

Attached is LTC 88-2002 and LTC 251-2001

ADDENDUM:

- C4G Referral To The Finance And Citywide Projects Committee - Discussion Regarding Vending Machines Concession Agreement.

(City Manager's Office)

ACTION: Item referred. Patricia Walker to place on Committee agenda. Robert Middaugh to handle.

C6 - Commission Committee Reports

- C6A Report Of The Community Affairs Committee Meeting Of June 21, 2002: **1)** Special Events Policy Regarding Markets; **2)** Discussion Regarding The Ordinance Implementing A Local Preference In The Award Of Contracts For Goods And Services To Miami Beach-Based Vendors, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration", By Amending Article VI Thereof Entitled "Procurement", By Amending Division 3 Entitled "Contract Procedures",

And Division 4 Entitled "Purchases", By Amending Section 2-369, 2-370, And 2-395; ~~3)~~ 4) Discussion On Proposed Resolution Supporting And Urging That Communication Be Established Between The City Of Miami Beach And Miami-Dade County; In Particular To Clarify And Perhaps Strengthen The Definition Of "Lobbyist" In Miami-Dade County Code (As Portion Of Said Code Applies To The City Of Miami Beach As Well) And Discussion Regarding Miami-Dade County's Proposed Ordinance Amending Section 2-11.1(S) Of Code Of Miami-Dade County, Florida, Relating To Lobbying; Amending Definition Of Lobbyist; Eliminating Issue Registration Requirement And Fee; Providing For Annual Lobbyist Registration And Fee; Providing For Automatic Suspension Of Lobbyists Who Fail To File Expenditure Reports By September 1 Of Each Year; Requiring Lobbyists And Principals To Disclose Terms And Amount Of Compensation; Prohibiting County Lobbyists From Lobbying The County On Behalf Of Third Parties; Prohibiting Use Of Contingency Fees To Compensate Lobbyists; ~~4)~~ 5) Discussion On Proposed Ordinance Amending Miami Beach City Code Chapter 38 Entitled "Elections", Via Creation Of Section 38-7 Entitled "Limitation On Campaign Contributions", Limiting Campaign Contributions To Candidates For Office Of Mayor And City Commissioners To \$250 Per Candidate ~~5)~~ 6) Discussion Regarding Proposed Ordinance Amending Miami Beach City Code Section 38-6 Entitled "Prohibited Campaign Contributions By Vendors" By Mandating That The City Publish Notice Requirements Of This Ordinance, Establishing Responsibility Of Candidates For Elected Office To Determine Status Of Potential Donor As Vendor, Clarifying And Creating Definitions, Creating Additional Waiver Provision When Termination Of Existing Contract Would Be Economically Adverse To City's Best Interests; ~~6)~~ 7) Discussion On Proposed Ordinance Amending Miami Beach City Code Chapter 2, Division 3, Section 2-485 Thereof Entitled "List Of Expenditures; Fee Disclosure; Reporting Requirements", Requiring Annual Disclosure By Lobbyists Of Compensation Received For The Preceding Year, And Exempting From The Fee Disclosure Requirement Persons Lobbying On Behalf Of Non-Profit Entities Without Compensation For Said Appearance; ~~7)~~ 8) Discussion Regarding A Resolution Calling For A Special Election To Be Held On Tuesday, September 10, 2002, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Regarding Limited Public Financing For City Commission Candidates; ~~8)~~ 9) Discussion Regarding Request From The Residents Of Seacoast Towers To Place A Plaque In Memory Of Mr. Lomars At The Intersection Of Collins Avenue And 51st Street, Where He Was Killed; ~~9)~~ 10) Discussion Regarding Information From Mr. David Lawrence Jr. (Former Publisher Of The Miami Herald) And Now The Director Of The Teach More Love More Organization, Concerning The Draft Stages Of The Children's Trust Program; And ~~10)~~ 11) An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration", By Amending Article VII Thereof, Entitled "Standards Of Conduct", By Amending Division 4, Entitled "Procurement", By Amending Section 2-486, Entitled "Cone Of Silence"; Said Amendment, In Part, Extending The Prohibitions On Oral Communications On All Request For Proposals (RFP's), Request For Qualifications (RFQ's), And Invitation For Bids (BIDS), Between The Mayor And City Commissioners And Their Respective Staff And Any Potential Vendor, Service Provider, Bidder, Lobbyist, Or Consultant; Providing For Additional Exceptions Relative To Oral Communications.

ACTION: Written report submitted.

1. Special Events Policy Regarding Markets:

Motion was passed requesting a Request for Proposal (RFP) be prepared for the selection of a market operator. It was requested that the following items be incorporated in the RFP:

- a. The respondents to the RFP should be the operators of the market and not allow for the respondent to subcontract the operation.
- b. The RFP should include language that allows respondents to submit a program of what will be done in each of the venues. These programs may vary by location.
- c. The RFP should allow for diversification.

- d. Contract should include criteria for termination for convenience and the term of the contract should be for one year with a one-year renewal.
 - e. The City should weigh the quality of program submitted in each proposal and the financial return to the City.
 - f. The RFP should reflect the minimum and maximum number of booths allowed in each of the venues as guidelines to the respondents.
 - g. The RFP should require the proposers to list their experience in operating markets or similar operations. While this is desirable it is not a minimum requirement because it would limit the number of respondents. **Kevin Crowder to handle.**
2. Discussion regarding the Ordinance implementing a local preference in the award of contracts. **Item deferred until next meeting.**

New Business:

3. This item had been removed from the Agenda.
4. Motion made to exempt a principal of a for-profit entity to comply with the lobbyists law.

Motion made to exclude not-for-profit entities from the definition of lobbyists when they are not compensated for lobbying.

At the next Community Affairs meeting, members will further discuss the issue of presenting to Miami-Dade County Commissioners a clearer definition of "lobbyists" incorporating the two above-referenced issues. **Legal Department to handle.**

5. Sherri Sack, First Assistant City Attorney, to further research the issue.
6. Item deferred until next meeting.
7. Ordinance amendment was passed. This Ordinance will be placed on the July 10, 2002 Commission Agenda. **See R5D.**
8. No action taken. Commissioners Bower, Cruz, and Smith expressed concern about not informing the voters, beforehand, the potential costs to fund public financed candidate elections.
9. Mrs. Lomars agreed to pursue the placement of the marker on the service median of Collins Avenue with the Florida Department of Transportation (FDOT). **Michael Alvarez, Assistant Public Works Director, to submit a contact person at FDOT to Mrs. Lomars.**
10. Item not reached.
11. Legal to speak with Robert Meyers to see if the City of Miami Beach can opt out of the County ordinance and create its own ordinance. If this is permissible by Miami-Dade County, the second public hearing will not be heard on the existing Cone of Silence amendments. As of June 25, 2002, Robert Myers concurred that at this time the City may opt out of the County ordinance. **See Agenda item R5E.**

Mr. Joe Fontana spoke on report item No. 9.

City Clerk's note: Item numbers changed to match the written report in the Agenda.

C6B Report Of The Finance And Citywide Projects Committee Meeting Of June 28, 2002: **1)** Request To Consider Appropriating \$1,750,000 In Available 1998B Tax Increment Revenue Bonds To Fund The Estimated Shortfall In Development Budget For The Expansion And Renovation Of The Colony Theater; **2)** A Report Submitted By The Chamber Of Commerce Fair Share Task Force; **3)** Miami Beach Convention Center - Volume Services Of America; And **4)** Quality Of Education - Discussions.

ACTION: Written report submitted.

1. The Committee voted to approve the funding and moved the item to the full Commission. **Christina Cuervo to handle.**

2. Item deferred.

3. The Committee directed the City Manager to work on language for an amendment to the agreement between the City of Miami Beach and Volume Services of America and bring the amendment to the full Commission. Said amendment done in an effort to try and capture those events that typically would not use a hotel for their catered events and have a proven historical track record of not using hotel for their functions. **Christina Cuervo to handle.**

4. Discussion held. The Committee gave an endorsement to Commissioner Bower to spearhead the effort of educational reform in the City and come back to the Committee with suggestions to the motions addressed. No action necessary.

C6C Report Of The G.O. Bond Oversight Committee Meeting Of July 1, 2002: **1)** Project Status Report; **2)** Recommendation To City Commission: a) Flamingo/Lummas BODR; **3)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; b) 10th Street Auditorium Master Plan; c) Proposed 10th Street Auditorium Roof And HVAC System Improvements; d) Flamingo Park RFQ For A/E Services; e) Bayshore CDW #3 Report; f) Marseille Drive Streetscape Project - CDBG Funding Reallocation; And **4)** Change Order Report

ACTION: Written report submitted.

2. The Committee approved a motion to recommend that the City Commission approve the Basis of Design Report (BODR) for Flamingo/Lummas Project. See Agenda Item R7E.

C7 - Resolutions

10:47:37: a.m.

C7A A Resolution Authorizing The City Manager Or His Designee To Accept An Additional Award Of \$100,000, In State Funding From The Land And Water Conservation Fund, To Be Matched With \$100,000 Of City Funding From The Miami-Dade County Safe Neighborhoods Bonds Program For The Renovation Of North Shore Open Space Park, Phase III, For A Total Grant Amount Of \$200,000; Further Appropriating The Grant; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Item separated for discussion by Commissioner Smith. Resolution No. 2002-24909 adopted. Patricia Walker to appropriate the funds. Mayra Diaz Buttacavoli and Tim Hemstreet to handle.

Commissioner Smith stated that the North Shore Open Space Park maintenance facility is an eye sore. The City needs to speak to the County to improve that area. He asked the City Manager what could we do to make the County remove their equipment.

Jorge Gonzalez, City Manager, stated that the Administration will identify City and County equipment and will speak with Miami-Dade County. **Robert Middaugh to handle.**

Commissioner Smith stated that maintenance and security are very important issues for park users. He also stated that the palm trees on the east side of the park look small and cheap and are not acceptable. The trees need to be replaced with better looking trees. **Kevin Smith to handle.**

Commissioners Garcia stated that the park is very unsightly and the fence makes it look like a jail. Commissioner Bower and Vice-Mayor Steinberg agreed.

Commissioner Gross commended the Administration for their creativity in finding different funding solutions such as the securing of grant monies.

POLO PARK ISSUE:

Commissioner Gross also stated that the conditions at Polo Park are terrible.

Jorge Gonzalez, City Manager, stated that the School Superintendent agreed to fund to the City a large portion of the cost to upgrade the park to a level the City finds acceptable for all parts of the park except the tennis courts. The Superintendent will pursue with the contractor the tennis court issue. The School Board will pay about \$85,000 for the upgrade of the park. The City estimated the cost to be in the neighborhood of \$100,000 to \$110,000. The City has agreed to take over the maintenance of the park and will contract the maintenance. The School Board will pay between \$12,000 and \$15,000 a year for maintenance since the park is used for physical education activities by the school.

Mayor Dermer stated that there has been talk about entering into an agreement with the School Board in relation to Beach High. The City needs to be very careful, through the Legal Department, not get into this type of situation again with the School Board.

Jorge Gonzalez, City Manager, stated that Commissioner Bower was very instrumental in accomplishing this arrangement with the School Administration.

10:47:37 a.m.

11:12:49 a.m.

- C7B A Resolution Awarding A Contract To The Firm Of Play Space Services, Inc., The Lowest And Best Bidder Pursuant To Invitation To Bid No. 34-01/02, In The Amount Of \$361,650.87, For The Construction Of The North Shore Open Space Park-Phase II Project, (The North Beach Recreational Corridor Phase V), Funding In The Amount Of \$448,748 Is Available For The Project From The Previously Appropriated 1997 Miami-Dade County Safe Neighborhood Parks Bond As Follows: \$361,650.87 For The Construction, And \$87,097.13 To Cover The Construction Contingency, Furniture, Fixtures, Equipment, Health Trail, And Other Project Expenses.
(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Smith. Resolution No. 2002-24910 adopted. Tim Hemstreet to handle.

See item C7A for discussion regarding North Shore Open Space Park.

Mayor Dermer stated that it is his understanding that the City Manager went through the bid process. There was a bid protest filed on this bid and it was denied and you have been informed of this. There has been an ordinance passed relating to bid protest and unless the protest is technical in nature (meaning that it is not dealing with the substance of issues involved) the Commission does not hear it. It is the policy of this Commission to listen, if you need to say anything, but the Commission will not take action.

Sam Sigars, President of Siga Corp., spoke.

- C7C A Resolution Authorizing The Mayor And City Clerk To Execute A Second Amendment To The Home Investment Partnerships Program Agreement, Dated April 12, 2000, Between The City And Miami Beach Community Development Corporation (MBCDC), Providing \$145,087 In HOME Program Funds From Fiscal Year 1993/94 Previously Allocated To MBCDC Towards The Acquisition And Rehabilitation Of The Property Located At 1551 Pennsylvania Avenue To Provide Twenty (20) Rental Units For Income-Eligible Tenants In Accordance With The HOME Program Requirements.

(Neighborhood Services)

ACTION: Resolution No. 2002-24911 adopted. Vivian Guzman to handle.

- C7D A Resolution Authorizing The Mayor And City Clerk To Execute A Third Amendment To The Home Investment Partnerships (HOME) Program Agreement, Dated May 24, 2000, Between The City And Miami Beach Community Development Corporation (MBCDC), Providing \$37,027 From Fiscal Year 2001/02 Home CHDO Funds Previously Allocated To MBCDC, Towards The Cost Of The Acquisition And Rehabilitation Of Nine One-Bedroom Condominium Units, Located At 7133 Bay Drive, Miami Beach, To Provide Rental Housing For Income-Eligible Elderly Tenants In Accordance With The Home Program Requirements.

(Neighborhood Services)

ACTION: Resolution No. 2002-24912 adopted. Vivian Guzman to handle.

- C7E A Resolution Adopting The Second Amendment To The Budget And Appropriating Funds For The Police Special Revenue Account For Fiscal Year 2001/02 In The Amount Of \$6,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.
(Police Department)

ACTION: Resolution No. 2002-24913 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement With The Gordian Group, As The Successful Proposer Pursuant To Request For Proposals No. 49-00/01, For The Establishment Of A Job Order Contracting (JOC) System.
(Public Works)

ACTION: Item separated for discussion by Vice-Mayor Steinberg. Resolution No. 2002-24914 adopted. Fred Beckmann, Tim Hemstreet, and Gus Lopez to handle.

Vice-Mayor Steinberg thought this was a very good idea. He stated that this agreement was negotiated at a fee lower than any government including New York City, which does probably 10 times as much work as the City of Miami Beach does. He commended Fred Beckmann, Raul Aguila, Gus Lopez and Jorge Gonzalez for their efforts.

Jorge Gonzalez, City Manager, stated that there are three other elements significant to this contract:

1. It guarantees the best rate, due to the "favored nation clause".
2. It allows for any other communities to piggyback on this contract, their purchase could apply to our minimum and reducing our cost even more.
3. The City will receive 1% surcharge from any other community that uses this contract.

- C7G A Resolution Setting A Public Hearing For July 31, 2002 To Consider Public Comment, As Required By Ordinance No. 92-2783, Regarding The Vacation Of Approximately 60 Sq. Feet Of South Lincoln Lane, Adjacent To The Colony Theater Located At 1040 Lincoln Road.
(Public Works)

ACTION: Resolution No. 2002-24915 adopted. Public hearing scheduled for July 31 2002.at 10:30 a.m. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

City Clerk's Note: Notice (15-day notice, plus mailers)

- C7H A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements For The Purchase Of The Laerdal Simman Full Body Universal Patient Simulator, And The Laerdal Simman A Airway Simulator From The Sole Source Manufacturer Laerdal Medical Corporation In The Total Amount Of \$50,288.
(Fire Department)
(Resolution To Be Submitted)

ACTION: Resolution No. 2002-24916 adopted. Chief Jordan to handle.

City Clerk's note: See Supplemental material.

Handout or reference materials:

1. Notice of Ad in Miami Herald

C7I A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Purchase Of Parking Meter Smart Cards From The City's Current Vendor, Greenwald Industries, In The Amount Of \$71,369.91.

(Parking Department)

ACTION: Resolution No. 2002-24917 adopted. Saul Frances to handle.

C7J A Resolution Awarding A Contract To Larry's Chevron, Pursuant To Invitation To Bid No. 62-00/01, For Purchasing Fuel (Automotive And Marine) And Other Various Automotive Services For City Vehicles, On An As Needed Basis, At An Estimated Amount Of \$750,000.

(Fleet Management)

ACTION: Resolution No. 2002-24918 adopted. Drew Terpak to handle.

City Clerk's note: See Supplemental material

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Gas Price Bid Analysis

C7K A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, And Authorizing The Purchase Of Airtime For Approximately 125 Wireless Mobile Computers, From AT&T, In The Amount Of \$49.00 For Each Mobile Computer, Totaling An Estimated \$50,000 Through September 2002.

(Police Department)

ACTION: Resolution No. 2002-24919 adopted. Kay Randall and Chief De Lucca to handle.

C7L A Resolution Authorizing The Administration To Issue Request For Proposals No. 48-01/02 For Planning, Design, Bidding And Construction Administration Services For A Citywide Wayfinding Signage System.

(Planning Department)

ACTION: Resolution No. 2002-24920 adopted. Gus Lopez to issue the RFP. Jorge Gomez to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****4:21:09 p.m.**

- R5A Proposed Amendment To Correct Height And Number Of Stories In C-PS Districts
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," By Modifying The Height And Number Of Stories In The C-PS Zoning Districts For Residential And Hotel Development; Providing For Codification, Repealer, Severability And An Effective Date. **4:00 P.M. First Reading, Public Hearing.**
(Planning Department)
(Continued From April 10, 2002)

ACTION: Public Hearing opened and continued December 11, 2002. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 7-0. Lilia Cardillo to place on the December 11, 2002 Commission Agenda. Jorge Gomez to handle.

4:22:40 p.m.

- R5B Proposed Amendments To The Development Regulations For Single-Family Homes
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential District"; Section 142-105 "Development Regulations And Requirements," By Including Lot Coverage And Structure Size Requirements; Section 142-106 "Setback Requirements For Single-Family Detached Dwelling" By Modifying Setback Requirements; Division 4, "Supplementary Yard Regulations"; Section 142-1132 "Allowable Encroachments," By Modifying The Regulations For Accessory Buildings In Single Family Districts; Division 5, "Height Regulations," Section 142-1161 "Height Regulations Exceptions," By Clarifying Exceptions In Single-Family Districts; Providing Codification, Repealer, Applicability, Severability, And An Effective Date. **4:01 P.M. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. **Ordinance approved on First Reading as amended.** Motion made by Commissioner Gross; seconded by Commissioner Garcia; Ballot vote: 6-1; Opposed: Commissioner Bower. Second Reading and second Public Hearing scheduled for July 31, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle

Amendments as recommended by Commissioner Gross:

Section 1: paragraph (c) - in order to further encourage the construction of one story homes, increase the size of lots that qualify for the exemption on lot coverage. Administration to research lot size percentage.

Section 2: paragraph (2) b. - modify the setback requirements with respect to additions that follow existing non-conforming setbacks to allow rear one-story additions and second-story addition to the existing house to follow the nonconforming 5-ft. side yard setback.

Section 3: paragraph (a) (1) - allow accessory structures to be two stories high with at least 12.5 ft. side and rear setbacks, and modify height.

Section 3: paragraph (f) (2) - modify maximum height of A/C units to 5 ft. above elevation.

Section 7: Applicability - change the date to July 10, 2002.

Commissioner Smith's amendment: Section 1, paragraph (e) - expand exemption for structures non-conforming with respect to lot coverage to allow restoration after total destruction for structures constructed prior to a certain date

Vice-Mayor Steinberg requested on second reading that a listing of the sampling statistics be provided. Jorge Gomez to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

6:17:38 p.m.

R5C Procedures For Demolition Of Single Family Homes Without Permits

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single Family Residential Districts," By Amending Section 142-105 To Establish Procedures And Regulations For New Construction On Properties Where Single Family Homes Were Demolished Without Required Permits; By Amending Chapter 118, "Administration And Review Procedures", Article VI, "Design Review Procedures", By Amending Section 118-252 To Expand The Review Authority Of The Design Review Board; Providing For Repealer, Codification, Severability And An Effective Date. **5:00 P.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing On June 19, 2002)

ACTION: Public Hearing held. **Ordinance No. 2002-3375 adopted as amended.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Murray Dubbin, City Attorney, stated that there are two areas of the law that could address this. One is the civil land use law and the other is criminal law. The City needs to look at the criminal aspect. The City cannot pass the criminal aspect. The Legal Department offered to review the issue.

Amendment:

Commissioner Gross proposed the following to delete from Section F right after ... "good cause" delete the phrase "**or the Planning Director, or designee determines that the subject home was not architecturally significant**"....

Proposed changes to item R5C pages 232-233 were distributed on the floor:

f. In the event the owner of a single family home constructed prior to 1942, which has been demolished without required permits or approvals, can establish good cause, ~~or the Planning Director, or designee determines that the subject home was not architecturally significant~~, the Design Review Board may relieve the property owner of some or all of the limitations on new construction herein. The requirement of good cause shall be satisfied where the unauthorized demolition was solely the result of intentional or negligent acts of a duly licensed contractor or other third parties, and the owner had no role in and knowledge of the authorized demolition.

5. Any after-the-fact application shall incur triple fees.

A. Notwithstanding the above provision, the Design Review Board may adjust the after-the-fact fee based on good cause shown. The request for a fee adjustment shall be in writing. The

adjusted after-the-fact fee shall not be less than the regular application fee.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Amendments to section f, and 5A.

11:40:46 a.m.

R5D An Ordinance Amending Miami Beach City Code Chapter 2, Division 3, Section 2-485 Thereof Entitled "List Of Expenditures; Fee Disclosure; Reporting Requirements," Requiring Annual Disclosure By Lobbyists Of Compensation Received For The Preceding Year, And Exempting From The Fee Disclosure Requirements Persons Lobbying On Behalf Of Non-Profit Entities Without Compensation For Said Appearance; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading**

(Requested By Commissioner Matti Herrera Bower)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Smith; seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Garcia. Second Reading and Public Hearing scheduled for July 31, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Commissioner Gross asked if the IRS Codes for not-for-profit could be narrowed down more, and be more specific as to which not-for-profit are exempt.

Jean Olin, Deputy City Attorney, stated that this could be done however it will require another ordinance.

12:00:39 p.m.

R5E An Ordinance Amending Chapter 2 Of The Miami Beach City Code, Entitled "Administration," By Amending Article VII Thereof, Entitled "Standards Of Conduct," By Amending Division 4, Entitled "Procurement," By Amending Section 2-486, Entitled "Cone Of Silence"; Said Amendment Providing For The Creation Of A New Subsection 2-486(D) Affirmatively Stating That The Requirements Of Section 2-11.1(T) Of The Code Of Miami-Dade County, Florida (The County's Cone Of Silence Ordinance) Shall Not Apply To The City Of Miami Beach, Florida; Providing Further For Repealer; Severability; Codification, And An Effective Date; And Instructing The City Clerk, Following The Effective Date Of This Ordinance, To Transmit A Copy Of Same To The Miami-Dade County Commission On Ethics. **First Reading**

(City Attorney's Office)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 31, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Vice-Mayor Steinberg requested the "Cone of Silence" ordinance approved as amended on first reading at the June 19 Commission Meeting be placed on the July 31 agenda for Second Reading and Public Hearing. Lilia Cardillo to place on Agenda. Jean Olin and Mayra Diaz Buttacavoli to handle.

R6 - Commission Committee Reports

- R6A Verbal Report Of The Neighborhoods Committee Meeting Of July 3, 2002: **1)** Recommendations Regarding Code Compliance Criteria, Existing Code Enforcement Laws And Settlement Of Liens; And **2)** Discussion Regarding Pay Telephone Kiosk On Public Property Or City Right-Of-Way.

ACTION: Not reached. Lilia Cardillo to place on Consent Agenda.

Handout or reference materials:

1. Written Report of The Neighborhoods Committee Meeting of July 3, 2002, but not distributed to the City Commission.

- R6B Verbal Report Of The Land Use And Development Committee Of July 8, 2002: **1)** Discussion Regarding The Omnipoint Ruling; **2)** Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, & "District Regulations"; And **3)** Discussion Regarding The General Policy Requiring \$5,000 Payment To Make A Transfer Of City Owned Right-Of-Ways, Streets And Easements

ACTION: Not reached. Lilia Cardillo to place on Consent Agenda.

Handout or reference materials:

1. Written report of The Land Use Development Committee held on Monday, July 8, 2002, but not distributed to the City Commission.

R7 - Resolutions

11:18:52 a.m.

- R7A Resolution Approving Two Settlement Agreements Concerning The Miami Beach Marina Sewage Spill; (1) The First Agreement Between The Florida Department Of Environmental Protection ("DEP"), The City, The Miami Beach Redevelopment Agency ("RDA"), And Private Parties Involved In The Incident; And (2) The Second Agreement Between The City, The RDA, And The Private Parties, To Recover The City's Costs Arising From This Incident, And Authorizing The Mayor, City Clerk And Any Other Necessary City Personnel To Execute The Settlement Agreement And All Other Documents As May Be Necessary To Carry Out The Intent Of This Resolution. **Joint City Commission And Redevelopment Agency.**

(City Attorney's Office)

ACTION: Heard in conjunction with RDA item 3A. Resolution No. 2002-24921 adopted. Settlement Agreements Amended. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Mayor Dermer. Christina Cuervo to handle.

Gary Held made a presentation. He read changes into the record.

Amendments to City Agreement:

Page 3 - paragraph 5 Change: 13(b) and 13(c) to 11(b) and 11(c)

Page 4 - paragraph 7 Insert at beginning of sentence: "except as to unasserted third party claims, and....."

Amendments to the Department of Environmental Protection Consent Order:

Page 3 paragraph 11(a) Change: 13(b) to 11(b)

City Clerk's Note: 2 settlement agreements:

1. Florida Department Of Environmental Protection and
2. Privates parties

Handout or reference materials:

1. Amendments to the City Agreement and the Department of Environmental Protect Order submitted by Gary Held, First Assistant City Attorney.

11:29:32 a.m.

R7B A Resolution Approving The Second Amended And Restated Consolidated Lease Agreement With Miami Beach Watersports Center, Inc., As Lessee, For The Continued Operation And Management Of The City-Owned Property Located At 6500 Indian Creek Drive, Miami Beach, Florida, Currently Housing The Shane Rowing Facility; Further Providing Additional Terms And Conditions Governing Construction Of Additional Improvements, Including A Second Story On The Existing Facility For Meeting And Conference Rooms And, On A Parcel Adjacent To The Facility, Construction Of A Dry Dock Facility To Replace The Current Temporary Storage Structure; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements; As Set Forth By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:45 A.M. Public Hearing.**
(Economic Development)

ACTION: Public Hearing held. Resolution No. 2002-24922 adopted as amended. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Joe Damien to handle.

Jerry Libbin from the North Beach Development Corporation stated that they are in support of the agreement.

Commissioner Smith commended the Legal Department, especially Raul Aguila, and the Administration for this contract.

Amendments:

15.6(a) For improvements to Parcel "B" (dry dock facility) on or before August 30, 2002, but in any event, no later than November 29, 2002.

15.6(b) For improvements to Parcel "A" (second story) on or before May 31, 2003, but in any event, no later than November 28, 2003.

15.8 (1) (a) Parcel "B" September 30, 2002, but in any event no later than December 31, 2002.

15.8 (1) (b) Parcel "A" August 31, 2003, but in any event no later than February 27, 2004.

15.9 (a) For parcel "B" June 30, 2003, but in any event, no later than September 30, 2003.

15.9 (b) For parcel "A" December 31, 2004, but in any event, no later than June 30, 2005.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. List of amendment provide by Joe Damien

11:39:21 a.m.

R7C A Resolution Regarding The Appropriation Of \$600,000 In Fiscal Year 2001-02 Congestion Mitigation And Air Quality (CMAQ) Funds, Following A Duly Noticed Public Hearing, As Follows: 1) Ratifying A Previous City Appropriation Of \$300,000 Of These Funds, Under Resolution No. 2001-24586, For The FY 2001-02 Electrowave Operating Budget; And 2) Appropriating The Remaining \$300,000 For The FY 2002-03 Electrowave Operating Budget; Further Stating That The Required Twenty Percent Local Cash Match Will Be Provided As Follows: 1) In FY 2001-02, By The Miami Beach Contribution Already Appropriated Under Resolution No. 2001-24586; And 2) In FY 2002-03, Subject To Final Approval By The City Commission In September 2002, As Part Of The City's Approval Of The FY 2002-03 Electrowave Operating Budget. **11:00 A.M. Public Hearing.**

(Public Works)

ACTION: Public Hearing held. Resolution No. 2002-24923 adopted. Motion made by Commissioner Bower seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Commissioner Gross stated that he is still waiting for the rider ship report on the Electrowave. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, explained that there is a problem with obtaining the hourly number of riders for the peak hours. You were provided with the number of riders for the early hours. We are having difficulty obtaining the numbers for the peak hours and we are trying to count the riders on a more scheduled basis.

Handout or reference materials:

1. Notice of Ad in Miami Herald

6:52:53 p.m.

R7D A Resolution Accepting The Recommendation Of The Capital Improvement Projects Office And Finding And Declaring That An Emergency Situation Exists With Respect To The Water And Wastewater Pump Stations Upgrade (Project), And Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements; Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The City Manager To Take Any And All Measures, Including The Retention Of A New Contractor, To Diligently And Timely Prosecute The Remaining Work On The Project; Further Authorizing The City Manager To Select, Negotiate, And Award Any And All Contracts, Purchase Orders And Change Orders, As Necessary, Relative To The Purchase Of All Necessary Goods And Services Necessary For The Prosecution And Completion Of The Remaining Work On The Project, Provided That Such Contracts, Purchase Orders, Change Orders, And Any Other Documents, Shall Be Substantially In Accordance With The Terms And Conditions Of The Current Construction Contract With Felix Equities, Inc. (Contractor), And Shall Not Exceed The Current Amount Appropriated By The City Commission For The Aforestated Project, Without Further Approval Of, And Ratification By, The Mayor And City Commission.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24924 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Tim Hemstreet to handle.

Commissioner Smith requested, in the future, that the back up material for the Commission be included in the Agenda. The Commission is entitled to hear both sides before they vote on a contract.

Murray Dubbin, City Attorney, recommended the Commission to proceed with this action.

2:13:18 p.m.

2:28:50 p.m.

R7E A Resolution Approving And Officially Adopting The Basis Of Design Report Defining And Describing Water And Sewer Bond, G.O. Bond, And Stormwater Bond Funded Capital Improvements To Be Implemented Through The Flamingo Lummus Neighborhood Right Of Way Improvement Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24925 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Vice-Mayor Steinberg. Tim Hemstreet to handle.

Cesar Garcia from EDAW gave a PowerPoint Presentation.

Amendment:

Commissioner Gross proposed that the minor cosmetic tree improvement for Drexel Avenue be incorporated in this project. Commissioner Bower accepted the amendment as long as the funds for other projects are not jeopardized that the monies come from other sources.

Handout or reference material.

1. Bound book titled "City of Miami Beach Infrastructure Improvement Program Basis of Design Report (Draft)". Neighborhood: NO. 10 - Flamingo/Lummus
Subject: Right-of-Way infrastructure improvements program
EDAW dated May 30, 2002

12:07:34 p.m.

R7F A Resolution Authorizing An Amendment To The Approved Rate Schedule For The Jackie Gleason Theater Of The Performing Arts (TOPA), To Allow For A Reduced-Capacity Rental Fee Schedule To Accommodate Smaller Not-For-Profit Performing Arts Organizations.

(Convention Center)

ACTION: Resolution No. 2002-24926 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Christina Cuervo and Doug Tober to handle.

3:47:28 p.m.

R7G A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Amending Chapter 142, Division 2, "RPS-4 Residential Performance Standard District"; Section 142-696 "Residential Performance Standard Area Requirements" By Changing Height Requirements.

(Planning Department)

ACTION: Item referred to the Planning Board with the three Commission directives. Motion made by Commissioner Gross to refer to the Planning Board with the three Commission directives; seconded by Commissioner Bower; Ballot Vote: 4-3; Opposed: Vice-Mayor Steinberg and Commissioners Garcia and Smith. Jorge Gomez to place on the agenda.

Amendments for the Planning Board to study:

- 1) That the 50 Ft lots are not increasing the height.

- 2) Study eliminating any incentives in the Zoning Code that lot aggregation will result in taller buildings.
- 3) For RPS4 to continue to study it with lower scaled buildings, and let the buildings get a little taller in the back, but no taller than 55 Ft.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

Direct appointments made:

Public Safety Advisory Committee:

Brian Giller	Term expires	12/31/02	appointed by Commissioner Gross.
Dan Gelber	Term expires	12/31/02	appointed by Commissioner Steinberg

R9B(1) Dr. Stanley Sutnick Citizen's Forum.

ACTION:

1:56:15 p.m.

Milton Montalvo spoke on the meeting he attended where there were several commissioners. He heard good things at this meeting, such as "we have to listen to the public". He thinks the City is in good hands. He placed a formal complaint with the Manager, because he has attended meeting where the citizens are not allowed to speak. Committee Chairmen need to be reminded that citizens need to have a saying as to what goes on. The citizens have a right to speak. The City of Milwaukee has a world-class museum, designed by a European Architect. He stated that we had a chance to do something great with the swimming pool and we did not. He feels we did not accomplish anything with the Flamingo Park swimming pool. He also stated that, the City need to coordinate the advertisement. Somebody from the outside should come in and critique our work maybe hire somebody to do it and have people compete for it. The taxpayer is getting cheated if he does not get the best value for his tax dollars. He welcomed LNR Property Corporation.

Commissioner Cruz stated that he judges success by the enthusiasm of his kids. His kids want to go to Flamingo Park. He feels it is a success. The Administration did something great with a limited amount of funds.

2:02:54 p.m.

Minnette Benson requested that the members of the Concurrency Committee be appointed so that they can have the first meeting next week. She stated that the Commission promised a "63St. workshop" and after there will be an analysis of the citizen's input by the City Manager to be forwarded to FDOT. FDOT will be expected to come back in September with its response. She requested to know where we are with a date for the workshop. She feels it should be the earlier part of September. She also spoke on the delay of the Bass Museum project and who is responsible for it. The Administration needs to know who is responsible for the delay. Somebody in the City needs to control this. She stated that she drove west on the 79 St. causeway and it is underused. She made a mistake when she suggested that to relief the traffic a double decking needed to be built. It is not necessary. We need to make that road safer, she

was surprised by Joseph Johnson's remark that 71 St. has to be made more desirable for the motorist heading west. The City needs to check with Franklin H. Blecher, the electronic whiz, to see in the private sector who has electronic solutions for monitoring unacceptable behavior on the road. She stated that the toll on the Broad Causeway was increased. The east-west roads should be more affordable and acceptable for the people we are aiming at.

Commissioner Bower stated that the Baylink Project is looking at ideas for funding such as placing tolls at the MacArthur and the Julia Tuttle Causeways. She suggested putting the tolls where we do not want the people to come in to clog our roads, such as people coming from the North using our roads as a pass through.

2:11:57 p.m.

Bea Kalstein spoke on the City Commission considering concurrency first before issuing the permit. The Commission is accountable to the public.

Commissioner Gross asked if the Concurrency Management System shows no concurrency, what happens? He has never seen this type of issue in front of the Commission. He also asked if there has ever been the situation where a building permit has not been issued because concurrency was not met.

Jorge Gonzalez, City Manager, stated that this has not happened in a long time. He explained that there is a concurrency mitigation fee as part of the calculation. He explained that there are different levels of concurrency such as traffic, sewer, etc. He said on some levels we are almost at capacity.

Commissioner Gross stated that if concurrency is not met you couldn't get a permit. The computer system says that if concurrency is met but the number of trips increased, you can pay for the number of trips. His question is if concurrency is not met what happens.

Jorge Gonzalez, City Manager, explained that the basics of concurrency will be discussed at the first meeting of the Concurrency Management Task Force being created. He also stated that he will give the Commission an LTC giving a prognosis of where the City is as far as concurrency. **Fred Beckmann to handle.**

Mayor Dermer named Commissioner Gross as the liaison for the Concurrency Management Task Force to report back to the Commission.

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

ACTION: Not reached.

7:07:02 p.m.

R9C Discussion Regarding A Resolution Concerning The Proposed Construction And Funding Of Miami Beach Senior High School.

(Requested By Commissioner Matti Herrera Bower)

(Resolution To Be Submitted)

ACTION: Discussion held. Resolution No. 2002-24927 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-1; Opposed: Commissioner Garcia. R. Parcher to transmit the resolution to the Miami-Dade County School Board.

City Clerk's note: See Supplemental material

7:00:06 p.m.

R9D Discussion Regarding The City Of Miami Beach's Commitment To Allocate The Required Resources Necessary As Part Of The Greater Miami Convention And Visitors Bureau's Bid On Behalf Of South Florida Region To Secure Miami-Dade County As The Host Location For The 2004 Democratic National Convention Or The 2004 Republican National Convention.

(City Manager's Office)

ACTION: Discussion held. Motion made by Commissioner Smith that we should go on the record as saying that we are interested. Miami Beach has the hotels, restaurants and meeting facilities to host the convention, however, the City cannot afford it; seconded by Commissioner Gross; Voice Vote: 7-0.

Mayor Dermer stated that Miami Dade County passed a resolution for \$10 M. The County has expressed an interest on approximately \$1.5M from the City of Miami Beach. The Mayor and the Administration want direction from the rest of the Commission on this issue.

Commissioner Garcia stated that the convention has an economical value to the area, but \$1.5 M is a lot of money. He feels that we are going to incur a lot of expenses for in-kind services especially for security.

Jorge Gonzalez, City Manager, stated that that only place to secure that amount of funds is the Fund Balance, which he does not recommend.

Mayor Dermer stated that the only thing for the City to do now is to say that we would do the best we can.

11:16:47 a.m.**ADDENDUM:**

- R9E Discussion And Referral To A Joint Meeting Of The Land Use And Development, Neighborhoods And Finance And Citywide Projects Committees And Also To The Planning Board To Review And Recommend A Locally Preferred Alternative For The Bay Link Study.
(City Manager's Office)

ACTION: Discussion held. Items Referred. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Jorge Gomez, Patricia Walker, and Vivian Guzman to coordinate a meeting of the joint committees. Jorge Gomez to place on Planning Board Agenda. Joseph Johnson to handle.

R10 - City Attorney Reports

- R10A Notice Of Closed Executive Session.
Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On July 10, 2002 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Case:

PNM Corporation, A Florida Corporation, Vs. City Of Miami Beach. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No.99-22158 CA06.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, Deputy City Attorney Robert Dixon And Special Counsel Steve Siegfried.

ACTION: Cancelled.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.
- (Procurement)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 10, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
Everyone present.
2. OLD BUSINESS

A Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Months Ended May 2002.

ACTION: Written report submitted.

3. NEW BUSINESS

11:18:52 a.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency ("RDA") Approving Two Settlement Agreements Concerning The Miami Beach Marina Sewage Spill: (1) The First Agreement Between The Florida Department Of Environmental Protection ("DEP"), The City Of Miami Beach ("City"), The RDA, And Private Parties Involved In The Incident; And (2) The Second Agreement Between The City, The RDA, And The Private Parties, To Recover The City's Costs Arising From This Incident, And Authorizing The Chairman, Secretary And Any Other Necessary City Personnel To Execute The Settlement Agreement And All Other Documents As May Be Necessary To Carry Out The Intent Of This Resolution. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with item R7A. Resolution No. 425-2002 adopted. Settlement Agreements Amended. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Mayor Dermer. Christina Cuervo to handle.

Gary Held made a presentation. He read changes into the record.

Amendments to City Agreement:

Page 3 - paragraph 5 Change: 13(b) and 13(c) to 11(b) and 11(c)

Page 4 - paragraph 7 Insert at beginning of sentence: "except as to unasserted third party claims, and....."

Amendments to the Department of Environmental Protection Consent Order:

Page 3 paragraph 11(a) Change: 13(b) to 11(b)

City Clerk's Note: 2 settlement agreements:

1. Florida Department Of Environmental Protection and
2. Privates parties

Handout or reference materials:

1. Amendments to the City Agreement and the Department of Environmental Protect Order submitted by Gary Held, First Assistant City Attorney.

11:21:47 a.m.

B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating Funds In The Amount Of \$320,139 From South Pointe Tax Increment Funds, In Accordance With The Settlement Agreement Amongst The City Of Miami Beach, The Miami Beach Redevelopment Agency, And West Side Partners Limited With Respect To The Construction Costs Of The Water Main Relocation Within The SSDI-North Parcel; In Accordance With A Surviving Provision Of The 1995 Development Agreement.

ACTION: Resolution No. 426-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

11:22:30 a.m.

C A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency, Adopting The Recommendation Of The Finance And Citywide Project Committee, And Appropriating \$1,750,000 In Available 1998B City Center Tax Increment Revenues To Fund The Estimated Shortfall In Development Budget For The Expansion And Renovation Of The Colony Theater, An Eligible Project Pursuant To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, Dated February 12, 1993, And As Amended On May 29, 2002 .

ACTION: Resolution No. 427-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-1; Opposed: Commissioner Cruz. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

NEW ITEM:

Mayor Dermer stated that the fourth of July was attended by over 30,000 people and music provided by the Florida Philharmonic. He stated it was a great event. He recognized Michael Aller, James Quinlan, Maggie Fernandez, and Bailey Figler.

Meeting adjourned at 7:18:42 p.m.

End of RDA Agenda